

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

JACKIE HERNANDEZ,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 2:07-CV-279-TLS
)	
U.S. MARSHAL SERVICE, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION AND ORDER

This case is before the Court on Plaintiff Jackie Hernandez's Motion for Appointment of Counsel [DE 20], filed on November 15, 2007.

When confronted with a request under § 1915(e)(1) for pro bono counsel, the district court is to make the following inquiries: (1) has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so; and if so, (2) given the difficulty of the case, does the plaintiff appear competent to litigate it himself?

Pruitt v. Mote, 503 F.3d 647, 654 (7th Cir. 2007) (en banc). Hernandez does not state that he has tried to obtain counsel on his own. Accordingly, the Court must deny this motion. *See Jackson v. County of McLean*, 953 F.2d 1070, 1073 (7th Cir. 1992); *Castor v. United States*, 883 F. Supp. 344, 346 (S.D. Ind. 1995) (holding that court must deny "out of hand" a request for counsel made without a reasonable effort to secure counsel). The Plaintiff may renew his motion upon making a showing of such diligence.

SO ORDERED this 15th day of January, 2008.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record